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MAR 20 2008

Federal Communications Commission
Office of the Secretary



March 17, 2008

Commissioner Deborah Taylor Tate
FCC
445 12th Street, SW
Washington, DC 200554

Re: Broadcast Localism Proceeding
MB Docket No. 04-233

Dear Commissioner Tate:

WALB has been operating in its community for more than 50 years. In that time, the Station has devoted countless resources to serving its local community. The Station participates in its community, and understands the needs of its community, not because of government mandates but because the Station cares about its community and serving the public interest. I write today to object to the burdensome and unnecessary proposals contained in the Commission's Broadcast Localism proceeding. Each of the proposals in the proceeding are addressed separately below.

Communications Between Licensees and Their Communities

More than 25 years ago, the FCC abandoned its misguided "ascertainment" requirements, when it correctly concluded that market forces, rather than government mandates, may be relied upon to ensure that broadcasters air programming that is responsive to the needs and interests of their communities. Nothing has changed in those 25 years that should make the FCC reach a different conclusion now. If anything, broadcasters today face far more competition, from satellite radio and TV, cable, the Internet, and iPods, to such an extent that market forces virtually ensure that broadcasters air responsive programming. We know full well how important it is to address the needs and interests of the people in our communities. If we don't address those needs and interests, we know that market forces will drive listeners and viewers elsewhere. Government mandates will not change that equation, except to make it far more difficult and expensive to be a good broadcaster.

Accordingly, this Station opposes any reinstatement of the formal ascertainment process or the mandatory creation of advisory boards. The quarterly issues/programs list requirement, coupled with Commission review as necessary

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and public input at renewal time, has worked adequately over the past 25 years. The potential benefits, if any, of these unfunded mandatory proposals are severely outweighed by the costs involved. Instead, broadcasters should be given the flexibility, in their important role as stewards of the broadcast airwaves, to communicate with their communities in a manner that best suits the station and the community.

Remote Station Operation

For many years, broadcasters have been afforded the flexibility to operate without station personnel present at or near transmission facilities. This has been particularly important in emergency situations, where broadcaster resources may need to be devoted elsewhere. This Station opposes any efforts to remove the flexibility that the Commission has wisely provided to broadcasters. Many broadcasters simply cannot afford to staff their facility during all hours of operation and may be forced to shut down, which would be an extreme disservice to the public.

Main Studio Rule

Similarly, this Station opposes any restrictions to the main studio rule. For many years, stations have been given the choice as to where to locate their main studio in the communities they serve. Due to variations in topography, and in order to address the needs of the various communities they serve, broadcasters have been able to rely on the flexible approach the FCC has adopted. No changes to this flexible approach are necessary or warranted.

Voice-Tracking and National Playlists

This Station opposes any Commission regulation that would restrict the practice of voice-tracking. Voice-tracking can be a useful tool for smaller broadcasters to bring popular non-local talent to the local airwaves, as a benefit to their communities. Any restriction on this ability would be a disservice to the public, and any disclosure requirements potentially would infringe the First Amendment rights of broadcasters. Similarly, station playlists are a matter of licensees' discretion, and are tailored to serve the tastes of the communities they serve. The Commission is prohibited by statute from regulating the content of broadcast material, and should not encroach on the editorial freedoms broadcasters enjoy under the First Amendment.

The broadcasters and viewers in South Georgia appreciate your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim", followed by a stylized logo consisting of three overlapping teardrop shapes.

Jim Wilcox
V. P. / General Manager
WALB-TV 1709 Stuart Ave.
Albany, Ga. 31707



8/28/2007

The Honorable Saxby Chambliss
6501 Peake Road
Macon, Ga. 31210

Re: Ensuring The Public's Access to Local Television Service

Dear : Senator Chambliss

We at WALB-TV, Albany, Georgia, take very seriously our responsibility to provide programming that serves our local community and the other communities in our service area. Our local service includes reporting and analysis of news, public affairs, elections, coverage of emergencies, public safety information, and emergency alerts. We rely on satellite carriers like DirecTV to bring this important programming to the 30% of households in our market that receive video programming by satellite. In 2003, the Federal Communications Commission allowed News Corp. (controlled by Rupert Murdoch) to gain control of DirecTV in reliance on a pledge that DirecTV would carry local broadcasters via satellite to its subscribers in each of the 210 Nielsen Designated Market Areas – a service known as “local-into-local” – no later than 2008. With the 2008 deadline growing closer, and News Corp. applying to sell its controlling stake in DirecTV to Liberty Media, DirecTV is trying to back out of this commitment. It has asked the FCC to approve the proposed sale to Liberty Media even though it now says it has no intention of providing local-into-local service in smaller markets. We ask you to urge the FCC to make local-into-local an explicit condition of the News Corp./Liberty sale.

DirecTV's refusal to honor the local-into-local commitment prevents its customers from receiving the important programming provided by their local broadcasters and deprives them of access to important public safety information broadcast locally. Direct TV is the only other satellite provider that does not offer local station service in Albany. This decision has deprived viewers in Albany and South Georgia, of access to our extensive local programming, including 5 hours of local news, weather, & sports each day – WALB has hosted numerous political debates, coverage of local parades, & festivals, and was named Station of the Year, & Community Service Station, for Georgia cities outside Atlanta, the last two years.

Because we local stations do not have access to the 30% of local viewers who receive programming via satellite, our ability to support these services to the greater Albany market is compromised. The viability of local television stations in smaller communities around the country is under serious challenge. For example, the National Association of Broadcasters has reported that the average fourth-ranked television station in markets ranked 51 to 175 had almost \$2.5 million in pre-tax profits during 1997; by 2002, that average station suffered a pre-tax loss of more than \$2.8 million. Satellite companies' refusal to carry smaller market stations threatens the survival of these services not only for their subscribers but for all viewers in the area.

DirecTV has argued that capacity limitations prevent it from providing local-into-local service in smaller markets. The truth is that there has been a dramatic increase in its capacity. Instead of using this additional capacity to live up to its local-into-local promises, DirecTV has used these capacity increases to offer more national offerings and non-programming services. In a recent press release, DirecTV announced plans to launch 100 non-local HD channels this year and to begin offering local HD channels in the most populated markets, even as smaller markets have no local service at all. With the capacity left over from that endeavor, DirecTV intends to carry new interactive sports programming and a reality series "that brings the [computer network] MySpace . . . to life." These services might generate additional revenue for DirecTV, but they turn their back on the basic, local-service needs of communities like ours and that you represent.

In 1999, Congress enacted a local-into-local copyright license, permitting DBS operators to retransmit the local broadcast signals in each market to satellite subscribers within that market. At the time, satellite operators urged that the license was necessary for them to compete with cable. Congress enacted the license to promote localism, including in smaller markets and in rural areas. DirecTV has taken advantage of the statutory license where it serves its economic self-interest, but neglects local service in smaller markets, contrary to Congress's commitment to localism throughout the country.

DirecTV now seeks to weasel out of its local-into-local commitment. In 2003, News Corp. asked the FCC to authorize its acquisition of a controlling stake in DirecTV. A letter submitted to the FCC in support of that application asserted, under the heading "Local-Into-Local and High Definition Television," that News Corp.'s acquisition of control would allow DirecTV to "launch a series of advanced satellites – a commitment . . . that has not been authorized by its current owner, GM – that will create additional capacity for the DIRECTV system." Based on this investment, it committed that, no later than 2008, DirecTV "will offer a seamless, integrated local channel package in all 210 DMAs." The FCC relied on these representations in approving the News Corp. transaction.

DirecTV now claims that, despite the fact that the commitment referred explicitly to local-into-local and its planned increase in system capacity to achieve that goal, the omission of the word "satellite" allows it to satisfy the commitment

by distributing separate over-the-air antennas to subscribers to enable them to receive local stations, rather than including local stations in the satellite line-up as occurs in the larger markets. But that cheap fix would disenfranchise viewers whose over-the-air access is limited by topographical or other obstacles or who live too far away from their local broadcasters' TV transmitters to receive a clear signal. These reception difficulties are particularly prevalent in the smaller, rural markets that are affected by DirecTV's failure to meet its local-into-local commitment.

In order to prevent DirecTV from turning its back on viewers in the communities we serve, I urge you to press the FCC to condition its approval of the Liberty Media transaction on DirecTV's living up to its agreement to provide local-into-local television service by satellite in all 210 markets by 2008. Please contact the FCC's Chairman, Kevin J. Martin, referring to Media Bureau Docket Number 07-18, concerning this important issue at:

Office of the Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Telephone: (202) 418-1000
Fax: (202) 418-0982
E-mail: Kevin.Martin@fcc.gov

The broadcasters and viewers in South Georgia appreciate your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim", positioned above the NBC peacock logo.

Jim Wilcox
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1709 Stuart Ave.
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